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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,210	03/26/2004	Tom E. Stickler	2003-0867.02	1959

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EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

Office Action Summary	Application No. 10/811,210	Applicant(s) STICKLER ET AL.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 29-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 14-16, 23-28 is/are rejected.
- 7) ☒ Claim(s) 4, 12, 13, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/21/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 14-16, 23, 25-26, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami et al. (U.S. 6266511) [hereinafter Murakami].

Murakami discloses in Figs. 2-3 a device in the field of applicant's endeavor comprising a cartridge 100 having an auger 18 and a port 15, the auger rotates to move a toner towards the port 15, the port has a door 25 that can be open or closed depending on the movement of a spring (actuator) 20 that is positionable adjacent to a toner chute with a toner reservoir 36 and assists in having the both doors in a closed/ opened orientations depending on movement of a slide door (cover) 38 (entire col. 4).

For claim 2: the auger is perpendicular to the toner chute.

For claim 3: the cartridge comprises a photoconductive member/ drum 3 and a cleaning blade 9 removing the waste toner from the drum 3.

For claim 9: the waste toner reservoir is a part of the toner chute and is being removable from the device (along with the toner chute).

The method steps will be met during the normal operation of the device stated above.

3. Claims 1-3, 5-7, 9, 11, 14-16, 23, 25-26, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. (U.S. 51327400) [hereinafter Okamoto].

Okamoto discloses in Figs. 1-3 a device comprising a cleaning device 32 for cleaning a photosensitive member/ belt 18 of a printer/ cartridge 10. The toner is scraped of the member 18 by the blade 32a is transported through a port by an auger 54 toward an opening/ door 58 in the port, when the openings 58 in the port and an inlet opening 60 in a toner chute/ discharging portion 74 having a second auger 78, are aligned, the waste toner will be received by a waste toner collecting device/ tank 50. The device also comprises shutters (first and second actuators) 60 and 86 and a spring (biasing member/ extension extending outward) 64 to position the both openings/ doors in a closed/ open orientation (entire col. 4).

For claim 2: The auger 54 is perpendicular to the toner chute.

For claim 5: The device 50 is removable, as shown in Fig. 2.

For claim 14: The device also comprises a shutter (cover) 60 and a spring (actuator) 64 to position the both openings/ doors in a closed/ open orientation (entire col. 4).

The method steps will be met during the normal operation of the device stated above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Koiso et al. (U.S. 4974031) [hereinafter Koiso].

Murakami discloses the device as stated above.

Murakami does not teach an auger in a chute, the auger positioned vertically.

Koiso discloses a device in the field of applicant's endeavor wherein the chute comprises an auger positioned vertically.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an auger in the chute, disclosed by Murakami, as taught by Koiso, so as to reinforce movement of the waste tone down to the waste toner collector, in order to avoid a waste toner back up.

6. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Koiso et al. (U.S. 4974031) [hereinafter Koiso].

Okamoto discloses the device as stated above.

Okamoto does not teach an auger in a chute, the auger positioned vertically.

Koiso discloses a device in the field of applicant's endeavor wherein the chute comprises an auger positioned vertically.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an auger in the chute, disclosed by Okamoto, as taught by Koiso, so as to reinforce movement of the waste tone down to the waste toner collector, in order to avoid a waste toner back up.

7. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Murakami.

Okamoto discloses the device/ method as stated above.

Okamoto does not explicitly teach the limitations of claims 10 and 27.

Murakami teaches a chute 15 comprising a flexible flap 73-74 to prevent clogging of the chute.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flexible flap to the device, disclosed by Okamoto, as taught by Murakami, so as to reinforce movement of the waste tone down to the waste toner collector, in order to avoid a waste toner back up.

The method steps will be met during the normal operation of the device stated above.

8. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Kita et al. (U.S. 5270785) [hereinafter Kita].

Okamoto discloses the device/ method as stated above.

Okamoto does not explicitly teach the limitations of claims 10 and 27.

Kita teaches a chute 15 comprising a flexible flap 3 to prevent the toner being blocked (clogging of the chute).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flexible flap to the device, disclosed by Okamoto, as taught by Kita, so as to reinforce movement of the waste tone down to the waste toner collector, in order to avoid a waste toner back up.

The method steps will be met during the normal operation of the device stated above.

Allowable Subject Matter

9. Claims 4, 12-13, 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 19-22 are allowed.

Election/Restrictions

10. Claims 29-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 22, 2005.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



December 22, 2005